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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SHERRY GEHRUNG,)
)
Defendant.)

No. CR 08-00114 JW

STIPULATION AND [PROPOSED]
ORDER RE: EXTENSION OF TIME
FOR FILING RESPONSE TO
DEFENDANT'S MOTION PURSUANT
TO 18 U.S.C. § 2255

On November 19, 2009, this Court issued an Order Requesting Briefing from Government directing the United States to file a Response to Defendant Sherry Gehrung's Section 2255 motion. Defendant Gehrung's section 2255 motion claims that she received ineffective assistance of counsel in connection with the determination of restitution and that she is entitled to a credit on the amount of restitution she owes. The United States' response to defendant Gehrung's Section 2255 motion is currently due on May 28, 2010.

The parties now jointly request that the government's May 28, 2010 date for a response to defendant Gehrung's Section 2255 motion be extended until June 25, 2010. In an effort to eliminate unnecessary litigation, the parties are currently conferring about whether the restitution-related issues defendant Gehrung raises in her Section 2255 motion are amendable to

1 resolution. As part of this process, the government is conferring with law enforcement and
2 undersigned defense counsel is conferring with defendant Gehrung. If a resolution of the issues
3 raised in defendant Gehrung's Section 2255 motion is not reached by all parties, the government
4 shall submit a response to that motion by the proposed June 25, 2010 response date.

5 In light of the above, the parties agree, and the Court finds and holds, as follows:

6 1. The government's May 28, 2010 date for a response to defendant Gehrung's Section
7 2255 motion is extended until June 25, 2010.

8
9 STIPULATED:

10 DATED: 5/27/10

11 /s/
JOHN HALLEY
Counsel for Defendant Gehrung

12
13 DATED: 5/27/10

14 /s/
JOSEPH A. FAZIOLI
Assistant United States Attorney

15 IT IS SO ORDERED.

16 DATED: June 2, 2010

17 
JAMES WARE
UNITED STATES DISTRICT JUDGE